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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,232	08/18/2003	Junichi Yamayoshi	03500.014437.1	2988
5514	7590	02/23/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SONG, HOON K	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/642,232	YAMAYOSHI, JUNICHI	
	Examiner	Art Unit	
	Hoon Song	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/553,859.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 13-16 and 18-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 4 of U.S. Patent No. 6,707,880B2 in view of Seim (US 5313241)

Regarding claim 13, the patent claims an image sensing system comprising:

a plurality of sensor units, each of which is adapted for converting a radiation ray into an electrical signal;

at least one selection unit, according to a user input to select a selected sensor unit from said plurality of sensor units, for sending a signal assigning the selected sensor unit;

a control unit for monitoring the signal assigning the selected sensor unit; and

wherein said control unit sends a command to the selected sensor unit to set the selected sensor unit in a ready state and a command to each other sensor unit to set the other sensor units in a sleep state (see claim 1).

However, the patent fails to claim lamps for indicating a state of said plurality of sensor units.

Seim teaches lamps (30, 32, 34) for indicating a status of a plurality of sensor units (40, 46, 48, 24, 42, 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the sensing system of the patent with the light indicators as taught by Seim, since the light indicator would indicate a status of the sensor units for an user to easily recognize (column 6 line 39-40).

Regarding claim 14, the patent claims the at least one selection unit comprises a plurality of selection units, wherein according to a user input to select a selected sensor unit from said plurality of sensor units, each of said plurality of selection units can send a signal assigning the selected sensor unit (see claim 1).

Regarding claim 15, the patent claims that the sleep state is a low current state in which a current supplied to a sensor unit is low (see claim 1).

Regarding claim 16, the patent claims that the sleep state is a low current state in which a current supplied to a sensor unit is cut off (see claim 2).

Regarding claim 18, the patent claims an image sensing system comprising: a plurality of sensor units each of which is adapted from sensing an image; a plurality of selection units, each of which is associated to each of said plurality of sensor units in

one to one relation wherein each of said plurality of selection units can send a signal assigning the selected sensor unit associated to itself according to a user input; and a control unit for monitoring the signal assigning the selected sensor unit, wherein said control unit sends a command to the selected sensor unit to set the selected sensor unit in a ready state and a command to each of the other sensor units except the selected sensor unit to set each of the other units in a sleep state (see claims 1 and 4).

Regarding claim 19, Seim teaches that said lamps indicate a state of said sensor units by an interval of blinking (column 5 line 62)

Claim 17 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6707880 B2 as modified by Seim, and further in view of Sammon (US 5001735).

The patent as modified by Sein fails to claim an auto exposure control mode.

Sammon teaches an auto exposure control mode (column 1 line 63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the controller of U.S. Patent No. 6707880 B2 to adapt the auto exposure control function as taught by Sammon, since the auto exposure control of Sammon would further reduce unnecessary x-ray dosages.

Response to Arguments

Applicant's arguments filed 10/18/2004 have been fully considered but they are not persuasive.

Regarding applicant's argument that none of the claims of Yamayoshi recites or suggests lamps for indicating a state of sensor units have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument that double patenting rejection is improper because there is no improper time-wise extension, terminal disclaimers serve to avoid the potential for harassment of an accused infringer by multiple parties with patents covering the same patentable invention. See *In re Van Ornum*, 686 F.2d 937, 944-48, 214 USPQ 761, 767-70 (see MPEP § 804.02 section VI). Accordingly, a double patenting rejection has been reinstated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

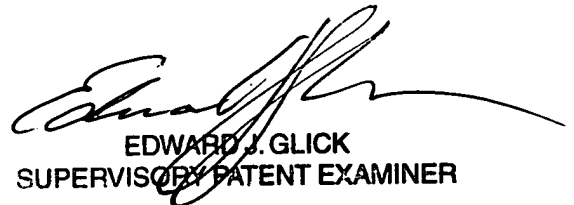
Art Unit: 2882

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKS

2/17/05

HKS


EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER